



MILPITAS PLANNING COMMISSION STAFF REPORT

November 18, 2015

APPLICATION:	AMALFI II (SIENA TOWNHOMES) – Site Development Permit No. SD-15-0005, Conditional Use Permit No. UP-15-0013, and Major Tentative Map No. TM-15-0004 – A request for a Site Development Permit, a Conditional Use Permit, and a Major Vesting Tentative Map for condominium purposes, for the construction of 73 townhomes and associated site improvements, replacing the previously-approved “wrap” condominium building.
RECOMMENDATION:	Staff recommends that the Planning Commission adopt Resolution No. 15-036 recommending approval of Site Development Permit No. SD-15-0005, Conditional Use Permit No. UP-15-0013, and Major Tentative Map No. TM-15-0004 to the City Council, subject to the attached Conditions of Approval.
LOCATION:	
Address/APN:	600 Amalfi Loop (APN 086-32-051)
Area of City:	Transit Area Specific Plan (TASP)
PEOPLE:	
Project Applicant:	Jim Sullivan, SCS Development Company
Consultant(s):	Miki Tsubota, CBG Engineers
Property Owner:	SCS Development Company, a California Corporation
Project Planner:	Richard E. Patenaude, AICP, Contract Planner
LAND USE:	
General Plan Designation:	Multi-Family Residential High-Density (MFH)
Zoning District:	Multi-Family Residential High-Density (R-3)
Overlay District:	Transit Oriented Development (TOD) and Site and Architectural Overlay (S)
Specific Plan:	Transit Area Specific Plan (TASP)
Site Area:	2.92 acres
ENVIRONMENTAL:	Categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act (CEQA). This project is consistent with the program addressed by the Transit Area Specific Plan EIR.

EXECUTIVE SUMMARY

The proposed project includes entitlement requests for the construction of 73 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 18 additional guest parking spaces onsite. The project also includes a variety of site improvements including new private streets within the development; streetscape and landscape improvements along Merry Loop and Amalfi Loop; and stormwater treatment, utility, grading and other associated site improvements. The project would require approval of a Site Development Permit, a Conditional Use Permit, and a Major Tentative Map.

Map 1 **Project Location**




Map 2
Transit Area Specific Plan
Piper-Montague Subdistrict



Map 3
Site Plan



MONTAGUE VILLAGE
PIPER/MONTAGUE SUBDISTRICT
MILPITAS, CALIFORNIA

 NOT TO SCALE
NOVEMBER, 2015

BACKGROUND

History

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The plan includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the Piper-Montague Sub-District of the Transit Area Specific Plan. The sub-district is located near the future BART station and the Great Mall, although separated from the remainder of the Specific Plan area by Montague Expressway and rail tracks. For the sub-district, the TASP envisioned high-density residential neighborhoods near transit and shopping. In addition, the plan proposed two smaller urban parks for the sub-district, a public street to connect Piper Drive and Milpitas Boulevard and a street to link the new public road and Montague Expressway.

On February 17, 2009, the City Council approved the original project, including this site, for the purposes of developing 639 dwelling units in three "wrap" condominium buildings. On November 1, 2011, the City Council amended the project to include a fifth story on two buildings and to replace one of the buildings with townhomes, for a total of 732 units.

Currently, one of the five story "wrap" buildings (Amalfi I – 378 units) is nearing completion, and the ninety-four townhome units (Palazzo) are almost sold out (Parcels 1 and 2 of the original project). The applicant wishes to take their remaining undeveloped parcel, which was previously approved for a 260-unit, five-story apartment building, and re-subdivide it to allow for a 73-unit townhome project. With this change, the total project would then contain 545 units. Based on the previously-approved density average agreement, this project would meet the minimum required density for this site.

The Application

The following is a summary of the applicant's request:

- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- *Major Tentative Map:* To establish 73 residential condominium spaces and common area.
- *Conditional Use Permit:* To allow the use of tandem parking in private garages.

PROJECT DESCRIPTION

Overview

The proposed project includes entitlement requests for the construction of 73 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 18 additional guest parking spaces onsite. The project also includes a variety of site improvements including new private streets within the development; streetscape

and landscape improvements along Merry Loop and Amalfi Loop; and stormwater treatment, utility, grading and other associated site improvements.

Location and Context

The site contains 2.92 acres and is located northeasterly of the intersection of Montague Expressway and Piper Drive. The project site is zoned High Density Residential (R3). The project site has Site and Architectural (-S) and Transit Oriented Development (-TOD) Overlays focusing on design and treatment of projects near transit nodes. Surrounding the subject property are developed parcels. A PG&E electrical substation and Milpitas Boulevard are easterly of the project site. Developed industrially-zoned properties are northerly of the site. Industrial buildings on high-density residentially-zoned properties, as well as a soon-to-be-completed public park, are located southerly of the site. Piper Drive, the future BART line and the Great Mall are located westerly of the site.

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan Conformance

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 4
General Plan Consistency

Policy	Consistency Finding
<i>2.a.1'25: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.</i>	Consistent. The project as proposed and conditioned conforms to the street layout, street sections, density and land use.

Zoning Conformance

The site is 2.92 acres zoned High Density Residential-Transit Oriented Development (R3-TOD) (21 min/40 max units per acre). The project is consistent with the City's Zoning Map as set forth in the attached Resolution #15-036. Other development standards, including density, are described in the Transit Area Specific Plan section below.

Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4, Tentative Maps of the City's Municipal Code regarding the form, content and dedications of the tract map as set forth in the attached Resolution #15-036. Tentative Tract Maps require a recommendation from the Planning Commission in the form of a resolution to the City Council for their ultimate approval.

Transit Area Specific Plan

The proposed project's land use, street layout and street sections are consistent with the Transit Area Specific Plan's Piper-Montague sub-district as set forth in the attached Resolution #15-036. The change of the approved 260-unit apartments to the 73 townhomes does not negatively alter the design of the project.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Multi-Family Residential High-Density (MFH) zoning district.

Table 1:
Summary of Development Standards

R-3-TOD	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u>			
Front	8'-15'	9' average	Yes
Street Side	8'-15'	11' to 40' (varies)	Yes
<u>Density (Units/Acre)</u>	21-40 du/ac	25 du/ac	Yes
<u>Building Height (Maximum)</u>	75'	41'±	Yes

Site & Architectural Design

The property lies within a Site and Architectural Overlay as a part of its land use designation, and development therein is governed by Section 57.03, Site Development and Minor Site Development Permits, of the City's Zoning Ordinance. The Site Development Permit considers the site layout, compliance with various development standards and the architectural design of the buildings.

Site Layout

The project site is accessible from Piper Drive, an existing north-south street, as well as Merry Loop via Garden Street and South Milpitas Boulevard. A new private road (Amalfi Loop) begins at the cul-de-sac of Piper Drive and provides access to both the northerly and easterly edges of the proposed project.

Street Setbacks

The Transit Area Specific Plan (TASP) includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees, landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. The townhome setbacks as proposed substantially conform to the street section dimensions and are consistent with those of the Palazzo townhomes, the previous phase of this project.

Other Street Setbacks

When a street section is not provided, the Transit Area Specific Plan indicates an 8-15 foot setback from the back of the sidewalk building elevations along a street. The project includes a private street or drive along the northern, southern and eastern boundary. The project as proposed substantially conforms to the minimum setback.

Height

The maximum building height in the zone is 60 feet. The project proposes an approximately 40-foot height for the townhome buildings, which conforms to the height limit.

Block Dimension

The Transit Area Specific Plan indicates a 500-foot maximum distance between publicly accessible paths of travel for a block. The absolute widest building within this proposed development would be 164 feet long, which is far less than the previously approved building, which was approximately 450 feet long.

Architecture and Massing

The townhome component includes Italian and Spanish styles, which will complement the style of the adjacent projects currently under construction. The elevations include a stucco finish. Each style includes features and elements that are consistent with Italian or Spanish architecture. A condition of approval requires the use of materials and architectural details to differentiate the individual units.

Floor plans

The floor plans include a bonus room on the first floor, located at the primary entrance of each residence. It is not the intent of the builder to create additional bedrooms (which would require additional parking). While the functionality of the rooms as bedrooms is limited, the builder shall include within the CC&R's the prohibition of converting these bonus rooms into bedrooms.

Density

On all sites throughout the Transit Area, TASP Policy 3.8 provides that densities can be averaged over an individual project that covers multiple parcels, so long as their average density falls between the designated minimum and maximum.

The underlying zoning for all three parcels allowed for 639 dwelling units. The amended tentative map provided for the eventual development up to 732 dwelling units for the project site. Looking at the application on its own, the project would provide 73 townhomes on 2.92 acres, which is 25 dwelling units per acre. As a whole, this project, together with Amalfi I (378 units) and Palazzo (94 units), will total 545 units, which equates to just over 34 dwelling units per acre. The project remains within the density parameters.

Design Guidelines

The design guidelines include both general design guidelines and specific standards to guide future development within the Transit Area. These design guidelines cover site planning, building design and landscaping and lighting. The project substantially conforms to the guidelines.

Landscaping & Open Space Design

Landscaping and lighting

The project provides a combination of soft and hardscape in both public and private areas. See sheets L-1 and L-2 of the plans for the illustrative landscape plan.

Private areas

Private areas include paseos, the private interior streets, and a variety of landscape and bio-detention features. Each unit is provided with a private patio at the front entry of approximately 110 square feet.

Lighting

The applicant is required to submit a lighting plan, including a photometric study, with the building permit application.

Parking

Table 3 demonstrates the project's compliance with the parking standards for the zoning district.

Table 3
Project Compliance with Parking

	Number of Units	Minimum Parking Required	Spaces Required
Townhomes			
3BR	73	1.6 per unit	116
Guest		20% of required	23
<i>Total required</i>			<i>139</i>
<i>Total provided</i>			<i>164</i>

The two parking spaces within the private garages provide the maximum-allowable residential parking for each townhome. Tandem parking represents fifty percent of the required residential parking, which meets the maximum allowed. Tandem parking can be considered through the approval of the Conditional Use Permit. All of the required guest parking spaces are provided along Amalfi Loop.

Bicycle Parking

For residential uses within the Transit Area Specific Plan area, bicycle parking is required to be provided at a rate of one space for every housing units – exempting units that have a private garage. Since the project proposes private garages, no separate bicycle parking is required for

residents. For guests, the TASP requires short-term bicycle parking spaces equivalent to 5% of the automobile spaces required. The project would thus be required to accommodate seven short-term bicycle spaces for guests. The project complies with the requirement by providing 5 spaces in each of two locations (for a total of 10 spaces) along Amalfi Loop.

Tract Map

The project proposes a new tentative map for Parcel 3 of the original Citation project to accommodate the change in housing type from 260 airspace condominiums to 73 townhouse units. The map provides for nine parcels, each accommodating a row of townhouse units, and four lots accommodating the internal driveways.

Off-site Improvements

The overall development concept of the Transit Area Specific Plan included two small parks within the Piper-Montague Subdistrict. Consolidation of the two parks into a single three-acre park, located in the middle of the subdistrict and supported by this project, was approved by the City Council in conjunction with a master tentative map for the Milpitas Station project located in the southeast portion of the subdistrict on October 21, 2008. The Montague Village Park is under construction.

Other improvements provided by the original tract map for the Citation project include the Amalfi Loop improvements and related landscaping.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit (Section XI-10-57-03-1(F)) / Major Tentative Map (Section XI-1-20.01)

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding because the project is consistent in density and architectural design with the master project (Citation) approved by the City Council on February 17, 2009, and later modified on October 12, 2011.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-3 (Multiple Family High Density) with a Transit Oriented Development (TOD) Overlay. The proposed residential uses are permitted in the zoning district. The Project conforms to the zoning district and meets the intent for this type of project envisioned in this area. The site includes 2.92 acres of High-Density Residential-Transit Oriented Development (R3-TOD) (21 min/40 max units/acre). The project is part of a master development plan (Citation) approved by the City Council on February 17, 2009.

The Project also conforms to the TOD Overlay by providing density of 25 units per acre, which is within the 21-40 units/acre range envisioned by the TOD Overlay when combined with the R-3 Zoning District. The three-story height of the buildings is also within the standards of the TOD Overlay, where up to seven stories in height is allowed.

3. *The project is consistent with the Milpitas General Plan.*

The project site has a General Plan land use designation of Multi-Family High Density. The intent of this designation is to provide high-density housing within the Piper/Montague Subdistrict at a minimum density range of 21 units per acre, and a maximum density of 40 units per acre.

The Project is consistent with the Milpitas General Plan because the proposed Project meets the intent of the designation by providing a residential project within the district with 25 dwelling units per acre. Furthermore, the project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed Project is consistent with this policy because it includes attractive three-story buildings with 73 residential units in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Piper/Montague Subdistrict with connections to the BART and Light Rail transportation hubs. The project is also designed to provide an active interface with public spaces by facing townhome units toward the public park.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.*

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Plan. The project meets all guidelines and requirements of the Transit Area Plan including building setbacks and height,

floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

4. The project is consistent with the Transit Area Specific Plan.

The project is consistent with this finding because the proposed project's land use and street layout are consistent with the Plan's Piper-Montague subdistrict. A legal instrument has been recorded to ensure that minimum and maximum densities established by the Plan are met as they are averaged over the multiple parcels within the original Citation project.

Conditional Use Permit (Section XI-10-57-04(F))

1. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

The project is consistent with this finding because the tandem parking does not impact the general public outside of the project, and allows the project type to be of an appropriate density within the TASP subdistrict.

2. The project is consistent with the Milpitas Zoning Ordinance.

The use of tandem parking is permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public.

3. The project is consistent with the Milpitas General Plan.

The use of tandem parking, in this instance, allows the development of this project to meet General Plan Land Use criteria.

4. The project is consistent with the Transit Area Specific Plan.

The project is consistent with this finding because the use of tandem parking, in this instance, allows its development to be consistent with the Plan's Piper-Montague subdistrict. Thus, the deviation meets the design intent identified within the Transit Area Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The deviation allows for an appropriate density in a transit area, and for a design that allows the parking to be out-of-view of the surrounding streets, public benefits not otherwise obtainable for the housing type through the strict application of the zoning standard.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because

staff determined that the project is consistent with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council.

Because of the project's proximity to BART and to freight railroad tracks, the project was required to submit an acoustical and vibration study. The impacts from noise and vibration are mitigated by integrating appropriate structural design solutions into the project.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on November 5, 2015. Notices were sent to 563 owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on its December 15, 2015 agenda.

CONCLUSION

The proposed project is substantially consistent with the Transit Area Specific Plan in terms of land use and density, and conforms to the previously-approved street layout. The product type complements the other proposed developments within the Piper-Montague subdistrict. Using the approved density-averaging agreement, the project is consistent with the minimum density requirements for the zoning districts.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing
2. Adopt Resolution No. 15-036 recommending approval of Site Development Permit No. SD-15-0005, Conditional Use Permit No. UP-15-0013, and Major Tentative Map No. TM-15-0004 to the City Council, subject to the attached Conditions of Approval

ATTACHMENTS

A: Resolution 15-036/COAs
B: Project Plans